

REMARKS

This paper is filed in response to the final office action mailed on May 13, 2004.

Claim 21 has been cancelled thereby placing all claims in compliance with 35 U.S.C. §112, second paragraph.

The final office action maintains the rejection of all claims under 35 U.S.C. §102(b) as being anticipated by Alcorn. In response, each independent claim has been amended to require the program data copied to the RAM to be continuously verified or hashed using a hash function having a continuously executing program thread that operates during play of the wagering game. Applicants respectfully submit that Alcorn does not teach or suggest this concept thereby rendering the anticipation rejection improper.

Specifically, to serve as an anticipating reference, under M.P.E.P. § 2131, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Citing, Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

In support of its anticipation rejection of now-cancelled claims 3, 23, 33 and 35, the patent office states that Alcorn teaches “the game data is hashed after loading the gaming program into random access memory and the resulting hash value is compared to a reference hash value in a continuously executing program thread executing on the computerized game controller (column 2, lines 35-65).” However, a review of this passage reveals nothing about a continuously executing hash function or a continuously executing program thread. The term continuous, continuing or repeatedly are not found in the Alcorn reference. While Alcorn does teach that its hash function can be run at any time, the Alcorn hash function is clearly intended to be run at the beginning of a program or prior to play or “at periodic or random intervals.” See column 5, line 50.

Nowhere is the concept of a continuously executing program thread taught or suggested in Alcorn or the use of a continuously executing program thread of a hash function taught or suggested by Alcorn.

Accordingly, because Alcorn does not teach or suggest the continuously executing thread which results in a de facto continuous verification process as explained in the specification at page 15, lines 6-17, Alcorn can not serve as an anticipating reference for the remaining pending claims.

Accordingly, in view of the amendments and remarks set forth above, applicants respectfully submit that this application is in a condition for allowance and an early action so indicating is respectfully requested.

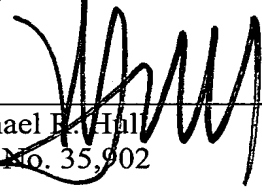
The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-9577

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By:



Michael E. Hall
Reg. No. 35,902